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10/587,454

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Seiichi Hirai

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EXAMINER

ATALA, JAMIE JO

ART UNIT

PAPER NUMBER

2484

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,454	<b>Applicant(s)</b> HIRAI ET AL.	
	<b>Examiner</b> JAMIE ATALA	<b>Art Unit</b> 2484	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 1/25/10.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 13-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 25, 2010 has been entered.

### **Remarks**

Claims 13-21 recite a method claim have been examined in regards to a 101 rejection. The specification discloses components that provide communication beyond the capability of a human being to meaningfully receive using only human capabilities. The "normal recording step.." step inherently requires the use of a computer implemented processor. Thus the receiving step is tied to a particular processor and thus to a particular machine and is deemed statutory.

Claims 1-12 have been cancelled by amendment July 29, 2009 and claims 13-21 have been newly added.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 13-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Seely et al (US 6,618,074) in view of Handa (US 7,250,964) in view of Kawai et al (7,423,670)

[claim 13]

In regard to Claim 13, Seely et al discloses an image storage and delivery method for recording and reproducing image data from a camera (Figure 1), the method comprising:

- a normal recording step wherein an image received by the camera is recorded as first image data with a first image quality (Figure 8 shows the recording of content as further described in Column 10 Lines 25-26);
- when an alarm occurs performing:
- a requesting step wherein delivery of second image data representative of the image received by the camera before the alarm occurred is requested from the camera (Column 6 Lines 14-67 describes the requesting of a second image to be recorded based on an alarm that has been processed), and
- an alarm recording step wherein the second image data from the camera is recorded with a second image quality without stopping the normal recording step, whereby the second image data and part of the first image data are

representative of the image at the same time (Column 6 Lines 32-67 describes the alarm recording step wherein normal recording continues to record as well as processing alarm recording); and

- a reproduction step wherein, during reproduction of data representative of the image at said same time, the second image data, having a higher image quality than the first image data, is preferentially reproduced when an instruction for seamless playback is received from a user (Column 3 Lines 15-25 describes the need for the recording of data based on a higher image quality of an image for more preferred playback); however, fails to explicitly disclose the camera used in the system is a web camera;
  - first temporarily storing step of temporarily storing, by the web camera, images in a first memory, wherein the web camera takes images consecutively in time series
  - a second temporarily storing step of temporarily storing by the web camera predetermined frames of the images taken by the web camera as second data with a second image quality in a second memory.

Handa teaches a surveillance system that provides a system monitoring an area using a web camera (figure 2 and described in Column 3 Lines 6-35). The system uses a web camera to further expand surveillance monitoring area and transmitting of data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the surveillance system that

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provided alarm recording, as disclosed by Seeley et al, and further incorporate the system to have a web camera for surveillance, as taught by Handa, in order to allow for a more expansion surveillance monitoring system.

Kawai teaches a security web camera based system that temporarily storing images into two areas of consecutive images being recorded by the web cameras (Column 6 Lines 30+). The system stores the images into two different storing locations. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the surveillance system that provided alarm recording, as disclosed by Seeley et al, and further incorporate the system to have a web camera for surveillance and various storage means, as taught by Kawai, in order to allow for a more expansion surveillance monitoring system.

[claim 14]

In regard to Claim 14, Seeley et al discloses image storage and delivery method according to claim 13, further comprising:

- temporarily storing the first image data from the camera in a first memory (Figure 9 shows buffer memory 506a); and
- temporarily storing the second image data from the camera in a second memory when the alarm occurs (Figure 9 shows memory 502 for storing additional data),
- wherein the first image data with the first image quality is recorded by storing the first image data from the first memory in a first storage area of a disk device with time line (Column 6 Lines 50+ describes the time line associate with recording images); however, fails to disclose

- a time stamp and the second image data with the second image quality is recorded by storing the second image data from the second memory in a second area of the disk device with a time stamp, and
- wherein the first or second image data is reproduced based on the time stamps.

Handa teaches a surveillance system that provides additional monitoring and further comprising:

- a time stamp and the second image data with the second image quality is recorded by storing the second image data from the second memory in a second area of the disk device with a time stamp (Figure 3 shows the storage of data based on packet information as further described in Column 4 Lines 23-47), and
- wherein the first or second image data is reproduced based on the time stamps (Column 4 Lines 23-67 describes the use of packet data and timing information to provide reproduction of data).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the surveillance system that provided alarm recording, as disclosed by Seeley et al, and further incorporate the system to provide the data with timing information, as taught by Handa, in order to allow for proper storage and retrieval of content.

[claim 15]

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In regard to Claim 15, Seeley et al discloses image storage and delivery method according to claim 14, wherein the second image quality is an image quality of image data stored by the web camera for the recording of the second image data (Column 6 Lines 40-67 describes the resolution of the images being processed and recorded).

[claim 16]

In regard to Claim 16, Seeley et al discloses an image storage and delivery method according to claim 15, wherein the image quality indicates at least one of a frame rate, a compression factor, and a resolution, and wherein the higher image quality indicates at least one of a higher frame rate, a lower compression factor and a higher resolution (Column 6 Lines 40-67 describes the resolution of the images being processed and recorded).

[claim 17]

In regard to Claim 17, Handa et al teaches an image storage and delivery method according to claim 16, wherein the first and second image data from the web camera is compressed by the web camera in an IP packet form (Column 3 Lines 1-67 describes the packet data being processed by the web camera). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the surveillance system that provided alarm recording, as disclosed by Seeley et al, and further incorporate the system to provide the transmitting of data, as taught by Handa, providing the same motivation as discussed in Claim 13.

[claim 18]



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In regard to Claim 18, Handa et al teaches an image storage and delivery method, wherein the first and second image data from the web camera includes still images compressed in a JPEG format or a corresponding format, and the first and second image data are recorded in a format for recording image data intermittently (Column 4 Lines 11-61 describes the compressed images to JPEG format). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the surveillance system that provided alarm recording, as disclosed by Seeley et al, and further incorporate the system to compressing of the images, as taught by Handa, providing the same motivation as discussed in Claim 13.

[claim 19]

In regard to Claim 19, Seeley et al discloses an image storage and delivery method for recording and reproducing image data further comprising:

- a first memory and second memory (Figure 8 shows video buffer and mass memory that are separate memory mediums)

the image storage and delivery method comprising:

- a first requesting step wherein when the request of delivery of first image data is received by a camera or when a predetermined timing occurs, image data is transmitted from the first memory and record as the first image data with a first image quality (Column 6 Lines 14-67 describes the requesting of a second image to be recorded based on an alarm that has been processed), and

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- a normal recording step wherein an image received by the camera is recorded as first image data with a first image quality (Figure 8 shows the recording of content as further described in Column 10 Lines 25-26);
- when an alarm occurs performing
  - a first requesting step wherein delivery of second image data representative of the image received by the camera before the alarm occurred is requested from the camera (Column 6 Lines 14-67 describes the requesting of a second image to be recorded based on an alarm that has been processed),
  - an alarm recording step wherein the second image data from the camera is recorded with a second image quality without stopping the normal recording step, whereby the second image data and part of the first image data are representative of the image at the same time (Column 6 Lines 32-67 describes the alarm recording step wherein normal recording continues to record as well as processing alarm recording); and
  - a reproduction step wherein, during reproduction of data representative of the image at said same time, the second image data, having a higher image quality than the first image data, is preferentially reproduced when an instruction for seamless playback is received from a user (Column 3 Lines 15-25 describes the need for the recording of data based on a higher image quality of an image for more preferred playback); however,

fails to explicitly disclose the camera used in the system is a web camera;  
however, fails to disclose a web camera comprising:

- an encoder for compressing and encoding an image received by the web camera at a predetermined frame rate and outputting the encoded compressed signal as image data,
- a first memory for storing a latest one frame of the outputted image data or a plurality of frames of the outputted image data which are intermittently recorded, and
- a second memory for storing the outputted image data over a predetermined time period at an alarm recording rate

Handa teaches a surveillance system that provides a system monitoring an area using a web camera (figure 2 and described in Column 3 Lines 6-35) further comprising:

- an encoder for compressing and encoding an image received by the web camera at a predetermined frame rate and outputting the encoded compressed signal as image data (Figure 2 codec 38 provides an encoder),
- a first memory for storing a latest one frame of the outputted image data or a plurality of frames of the outputted image data which are intermittently recorded, and a second memory for storing the outputted image data over a predetermined time period at an alarm recording rate (Figure 3 shows two memory areas on a recording medium which allows for alarm recording and normal recording and

as described in Column 6 Lines 14+ recording can occur in two separate areas for alarm and regular recording).

Handa teaches a surveillance system that provides a system monitoring an area using a web camera (figure 2 and described in Column 3 Lines 6-35). The system uses a web camera to further expand surveillance monitoring area and transmitting of data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the surveillance system that provided alarm recording, as disclosed by Seeley et al, and further incorporate the system to have a web camera for surveillance, as taught by Handa, in order to allow for a more expansion surveillance monitoring system.

[claim 20]

In regard to Claim 20, Seeley et al discloses image storage and delivery method according to claim 13, wherein the second image quality is an image quality of image data stored by the web camera for the recording of the second image data (Column 6 Lines 40-67 describes the resolution of the images being processed and recorded).

[claim 21]

In regard to Claim 21, Handa teaches an image storage and delivery method according to claim 13, wherein the reproduction step comprises:

- comparing, a client terminal, a time stamp of a last acquired image in a reproduced image memory for a normal channel with a time stamp of a last acquired image in a reproduced image memory for an alarm channel (Column 4

Lines 49-67 describes the time information associated with each images being recorded);

- if the time stamp of the last acquired image in the reproduced image memory for the alarm channel is judged to be later and if the time stamp of the last acquired image in the reproduced image memory for alarm channel is judged to indicate the same time as the time stamp of the last acquired image in the reproduced image memory for the normal channel, then first reading out, by the client terminal, the last acquired image from the reproduced image memory for the alarm channel, outputting the last acquired image to a monitor, and reproducing the image data (Column 5 Lines 1-44 describes the information acquired by the time stamp and the output for normal or alarm recording);
- if the time stamp of the last acquired image in the reproduced image memory for the normal channel is judged to be later, then calculating, by the client terminal, a difference in time stamp between the latest acquired image and the last acquired image in the reproduced image memory for the alarm channel Column 5 Lines 1-44 describes the information acquired by the time stamp and the output for normal or alarm recording);
- second reading out, by the client terminal, frame rate information given to the last acquired image in the reproduced image memory for the alarm channel as additional information, and calculating an alarm continuation decision value (Column 6 Lines 32-67 describes the frame rate associated with calculating alarm decision);

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- comparing, by the client terminal, the difference calculated by the calculating step with the alarm continuation decision value calculated at the second reading out step (Column 6 Lines 33+ describes comparing the values for information to be read out);
- if the difference is equal to or less than the continuation decision value, then first reading out, by the client terminal, the last acquired image from the reproduced image memory for the alarm channel, outputting the last acquired image to a monitor, and reproducing the image data the processing (Column 33-67 describes the evaluation of the information); and
- if the difference in time stamp is greater than the alarm continuation decision value, then third reading out the client terminal the last acquired image from the reproduced image memory for the normal channel, outputting the last acquired image to the monitor, and reproducing the image data (Column 6 Lines 10-67 describes the providing the difference between information being processed).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the surveillance system that provided alarm recording, as disclosed by Seeley et al, and further incorporate the system to have a web camera for surveillance, as taught by Handa, in order to allow for a more expansion surveillance monitoring system.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE ATALA whose telephone number is (571)272-7384. The examiner can normally be reached on Monday - Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMIE ATALA/

Primary Examiner, Art Unit 2484